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LETTER DATED 20 NOVEMBER 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the context of the United Nations Special Commission's (UNSCOM) resumption of work in Iraq, on 17 November 1998, I addressed three letters to the Deputy Prime Minister of Iraq on 17, 18 and 19 November. Copies of those letters are attached, as are two replies received from Iraq on 19 November. These are replies to my letters of 17 and 18 November 1998.

As will be evident from their texts, the purpose of my three letters was to seek from Iraq documents and explanations in the three weapons fields identified in UNSCOM's mandate, in an attempt to bring to account outstanding disarmament issues and to generally increase the level of verification available to the Commission with respect to those issues and the related matter of concealment activities by Iraq. It was judged to be appropriate to seek this information now, inter alia, in the light of Iraq's undertaking, given on 14 November, that it was prepared to extend to the Commission the full cooperation required of it under relevant resolutions of the Security Council.

In addition to forwarding this correspondence to you, for the information of members of the Council, I thought it would also be helpful to offer members of the Council UNSCOM's analyses and commentary on the Iraqi replies. This is as follows.

First, an underlying contention in both replies by Iraq is that preparations for a comprehensive review of Iraq's compliance with its obligations has already commenced. This contention has had an impact on Iraq's replies. The Iraqi reply to my letter of 18 November on Iraq's biological weapons programme is the main case in point.

Iraq declines to furnish the Commission with any further information on its biological weapons programme, stating instead that "the comprehensive review will determine whether the disarmament phase has been completed, or whether steps in the biological file need to be taken to fulfil the requirements of the disarmament phase". This stance appears to ignore the fact that, on four occasions, during the last 18 months, international experts have concluded unanimously that Iraq's current disclosure statement in this area is deeply

deficient and does not provide a basis for any credible level of verification. The experts recommended that Iraq be requested to provide to the Commission further information and documents.

This is why the letter of 18 November was sent. Iraq's reply seems to indicate that it is not prepared to do any further disarmament work with the Commission in the biological weapons area, unless required to do so by the Security Council, following a comprehensive review.

Accordingly, I have written to Mr. Tariq Aziz asking that further consideration be given to the issues raised in my letter of 18 November. A copy of that letter is attached.

Secondly, in the reply to the letter of 17 November, the explanation given by Iraq in answer to our request to have access to the relevant archives of the Iraqi Ministry of Defence, the Military Industrialization Corporation and other Government departments, avoids the question as put and does not undertake that such access will be granted.

While it is the case that inspections were conducted at the times and sites mentioned in Iraq's reply, those were not specifically for the purpose to which our request of 17 November was directed. Access by UNSCOM to the archives to be provided, as I hope, through cooperation by Iraq, would be the most effective and least controversial way of the Commission obtaining the necessary evidence for the accounting of Iraq's prohibited weapons programmes. It would avoid seeking out such documents through intrusive inspection which, as Council members are aware, has sometimes been the source of tension and blockage.

Sight should also not be lost of the fact that Iraq has an obligation under the resolutions of the Council to make available to the Commission any document which in the Commission's view is relevant to its mandate. Full access, full disclosure by Iraq would be of immense assistance. That is why it was asked for such an access, generically.

Finally, it should be noted, in this context, that Iraq's response does not seek to assert that the relevant archives do not exist.

Given below are specific comments on the points made in the annex to Iraq's reply to the letter of 17 November.

1. The Commission requested Iraq to provide the document on the consumption of special munitions found by the Commission's inspection team at the Air Force Headquarters on 18 July 1998.

According to expert assessment, this document details Iraq's consumption of special munitions in the 1980s, filled with chemical warfare agents. In its reply, Iraq states that its activities during the above-mentioned time-frame fall outside the scope of UNSCOM's mandate. However, to verify and to account credibly for all proscribed weapons which remained in Iraq after the Gulf war, the Commission has to know the total holdings of Iraq's chemical weapons and their disposition prior to the adoption of resolution 687 (1991). Therefore, this document is directly related to the mandate of the Commission.

The Security Council has demanded that Iraq deliver this document to the Commission.

2. The Commission requested Iraq to provide the "Reply of the Muthanna State Establishment on the Recommendations of the Ministry of Defence on actions concerning the development of chemical weapons". In its response, Iraq stated that this matter was concluded to the satisfaction of the Commission. Iraq also claimed that this document was not raised as one of the pending questions, in June 1998.

The following are the facts. In early 1996, the Commission knew of the existence of this document through references made to it in other documents provided by Iraq. Iraq acknowledged that the document had been issued and promised to locate it. Subsequently, in 1997, Iraq stated that the document could not be found and, therefore, did not exist any more.

The document itself is not an outstanding issue. It is a tool to verify those selected priority issues outlined in the Schedule for Work for June 1998 and accepted by Iraq, such as material balance of special munitions and the issue of the chemical warfare agent VX.

3. The Commission, acting upon the recommendations of the international experts during the Technical Evaluation Meeting on VX (February 1998), requested Iraq to provide documents and records on the status of the production of the chemical warfare agent VX in 1990. The existence of such records in 1990 had been confirmed by Iraq personnel, then involved in these activities, in the course of interviews.

Iraq, in its reply, does not respond to the question, but refers to the claimed failure of the production of VX. So far, Iraq has provided records on the production of VX only until May 1988. Iraq's declared production of VX in 1990 remains unverified.

4. The Commission, in its letter dated 17 November, requested iraq to provide the whole diary of Brigadier Ismail from the Surface-to-Surface Missile Force dealing with missile-related activities in 1990 and 1991, and the report dated 30 January 1991, prepared by Lt. Gen. Hazem Abdul Razzak, Commander of the Surface-to-Surface Missile Force (SSMF).

In its verification of the material balance, it is essential for the Commission to have accurate and verifiable information on how many proscribed missiles and related operational assets Iraq had possessed at the time of the adoption of Security Council resolution 687 (1991). The Commission repeatedly sought to obtain supporting documentary evidence for Iraq's declarations in this regard.

In 1996, a biological weapons inspection team was given copies of a few pages from the whole diary of Brigadier Ismail. Those pages dealt directly with biological weapons warheads. When the Commission started finalization of the material balance of the proscribed missile warheads, both conventional and special, and missile launchers and propellants, the Commission asked Iraq for other parts of this diary. Brigadier Ismail was presented to the Commission as

a senior officer responsible for the deployment and inventory of long-range missiles and their operational assets in a period of late 1990 and early 1991. Thus, access to his diary would provide pertinent information as to the quantity of proscribed missiles, their warheads and launchers that Iraq possessed before and after the war. The diary specifically dealt with receipt and deployment of long-range missiles, including those equipped with chemical and biological warheads. Such information, which was considered by Iraq as very sensitive, would belong to the category of State secrets. It could not be recorded in "personal diaries" and kept at private homes of military officers. It should be noted that when a renewed request was made for the whole diary, Brigadier Ismail himself did not state that the document had been destroyed. This explanation only came later after repeated reminders from the Commission about this request.

5. The recently published memoirs of Lt. Gen. Hazem Abdul Razzak, Commander of the SSMF, contained a reference to a report of 30 January 1991 to his superiors. According to the Commander, the report contained information on the "balance of missile and warheads" that existed on that date. Such information, if provided to the Commission, could facilitate the establishment of verifiable quantity of proscribed missiles and warheads that existed at the time of the adoption of resolution 687 (1991). Iraq's response claims that the Commander took notes from the document and then destroyed the document itself. The Commission would welcome it if Iraq could provide access to the notes that served as a basis for the memoirs of the Commander of the Surface-to-Surface Missile Force. It should be noted that the Commander could have destroyed only a copy of his report that he sent to his superiors, not the original, which should have been kept by the addressee.

6. The Commission welcomes Iraq's readiness to present the necessary documents and awaits Iraq's submission of these documents so that they could be translated and studied by the Commission. It should be noted that the request for such documents was not made for the first time. A similar request was contained in the Commission's letter dated 4 November 1996 and was subject of discussions on several occasions between Iraq and the Commission. On those occasions, Iraq stated that the requested documents were not available.

7. The Commission sought documents in order to facilitate verification of Iraq's indigenous production of proscribed missiles. Eleven pages from Engineer Muqdam's diary were given to the Commission in July 1998 and were of great assistance in clarifying some of the outstanding issues involved. In view of the important nature of the document, the Commission asked for access to the whole diary of Engineer Muqdam, who was involved in the critical area of indigenous production of proscribed missile engines. The Iraqi experts themselves used his diary for the preparation of their declarations on that issue in early 1997. The Commission hoped that access to this document would provide further helpful information. It is not clear from Iraq's response why and when Engineer Muqdam decided to destroy his diary and why he, nevertheless, decided to keep only eleven pages from it.

8. Iraq has not provided any document relating to the unilateral destruction of the proscribed missile propellants in 1991. During its inspection activities, the Commission was told that all inventory documents certifying consumption or destruction of proscribed missiles and related assets had been

available at least until late 1992. According to the officer responsible for keeping them in the accounting section of the Ministry of Defence, he gave the whole set of these documents to the authorities dealing with the Special Commission. The documents that were handed over by them to the Commission (some from 1992 to 1994, the rest in 1995 and 1997), did not contain at least two inventory diaries (No. 9 and No. 12 for 1991) that correlated with the time of the declared unilateral destruction of the proscribed missile propellants. It was also confirmed during the inspection activities that an inventory diary certifying the unilateral destruction of missile propellants should have been prepared similar to the diaries that were prepared for the unilateral destruction of missiles and their warheads. However, the diary for the unilateral destruction of the proscribed propellants has not been given to the Commission.

9. The Commission takes note of Iraq's position. However, the Commission has received information from various sources regarding the existence of such inventories.

10. It is correct that the Deputy Prime Minister did state on many occasions that he took the decision to destroy, unilaterally, proscribed weapons and gave the relevant orders for this operation to be carried out. Although the Commission notes this declaration, it considers that following such a strategic decision, written orders for destruction would have been given to the authorities charged with carrying out the destruction. The Commission is also of the view that such authorities would have kept written records of those operations. It is considered legitimate to request such information about the destruction process, in order to be able to verify what had been ordered to be destroyed and that all proscribed weapons had indeed been destroyed.

11. As far as the report on the defection of Hussein Kamal is concerned, it is true that the Iraqi authorities declared that no formal investigation was conducted. However, on many occasions, Iraq has said that an inquiry did take place. The conclusions of this investigation are assumed to be relevant to the Commission's mandate, not least because, for a period, Hussein Kamal was the head of the Military Industrialization Corporation, Iraq's main organization responsible for proscribed weapons programmes.

12. The Special Commission takes note that Iraq denies the existence today of a high-level Committee dealing with the proscribed weapons of Iraq. However, the Special Commission wishes to recall that according to Iraq's own admission in 1996, a special High Level Committee had been formed on 30 June 1991 to address the issue of retaining proscribed materials and weapons. By requesting minutes of this Committee's meetings, the Commission was seeking to acquire a better knowledge of the facts both with respect to Iraq's unilateral destruction of weapons and possible concealment of weapons, in order to verify that all retained weapons had indeed been destroyed.

As members of the Council will observe, in my letter of today to Mr. Tariq Aziz, I have underlined the importance we attach to the maintenance of dialogue between UNSCOM and Iraq.

(Signed) Richard BUTLER

Annex I

Letter dated 17 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

This letter is written following the decision by the Government of Iraq, on 14 November, to resume cooperation with the Special Commission and the IAEA and the agreed statement by the President of the Security Council on that decision.

The Commission remains committed to working with Iraqi authorities in the full implementation of the Commission's mandate, as established by the relevant Security Council resolutions.

I continue to believe that, with Iraq's full cooperation, the Commission can proceed to bring the respective disarmament areas to account, expeditiously.

This letter is the first of a number of letters designed to significantly advance our work with respect to accounting for Iraq's proscribed weapons and related capabilities. Attached to this letter is an annex listing, for your immediate attention, certain documents, mainly in the chemical weapons and missile areas. I ask that the Government of Iraq provide those documents now. This would greatly facilitate the Commission's work relating to the disarmament issues defined in Appendix I of the Commission's report to the Security Council of 16 June 1998 (S/1998/529).

Tomorrow, I intend to address to you a further letter regarding Iraq's biological weapons programme. I have separated out the concerns we have in this field because, as you know, they are of a particular character.

Additionally, it is important for Iraq to now fulfil outstanding requests from the Commission for the provision of documents relating to disarmament issues which have already been discussed between the Commission and Iraq in the past and which are not listed in the annexes to the present letter. They are well known to you as they were the subject of correspondence and meetings.

The provision of the documentation and information which is being requested by the present and subsequent letters should help the Commission in accounting for particular proscribed weapons and increase the Commission's confidence in the verification already achieved, which in certain areas is needed. The consequent results would be reported to the Security Council.

I would recall that, on a number of occasions, the Security Council has demanded that the Government of Iraq allow immediate, unconditional and unrestricted access to records that the Commission wished to inspect in accordance with its mandate. At the Emergency Session of the Special Commission, in November 1997, its members recalled that the effectiveness and the speed with which the Special Commission might accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Commission unimpeded access to sites, documents and records the Commission wishes to inspect and to individuals required for interviews, in order to implement its mandate the Security Council resolutions. The Security Council endorsed the conclusions and recommendations of the Emergency Session, including this particular one.

Within the general context of the Commission's requests for documentation and information, I would like to point out that all aspects of the Commission's work relating to accounting for and verifying Iraq's proscribed programmes would

be greatly facilitated if the Government of Iraq would provide access to the relevant archives of the Iraqi Ministry of Defence, the Military Industrialization Corporation and other Government departments. I shall return to this matter in the near future.

(Signed) Richard BUTLER

Enclosure

Document on the consumption of special munitions found by the Commission's inspection team at the Air Force Headquarters on 18 July 1998

Reply of the Muthanna State Establishment in September 1988 on the recommendations of the Ministry of Defence of 30 July 1988 (document number D/SS/Chem/109/15504) with respect to future actions concerning the development of chemical weapons

Documents and records on the status of the production of chemical warfare agent VX in 1990

Full diary of Brigadier Ismail from the Surface-to-Surface Missile Force dealing with missile related activities in 1990 and 1991 (several pages have been provided to the Commission)

Report, dated 30 January 1991, prepared by Lt. General Hazzem Abdul Razzaq, Commander of the Surface-to-Surface Missile Force (mentioned in his recently published memoirs)

Governmental and Ministerial documents concerning the creation of missile Unit 223 in 1990 and its equipping with missiles, launchers, warheads, ground support equipment, propellants etc.

Full diary of engineer Muhkdam dealing with indigenous production of missile engines in 1990 and 1991(several pages have been provided to the Commission)

Documentary evidence on the unilateral destruction of missile propellants in 1991 including an inventory diary certifying the destruction and inventory diaries # 9 and # 12 for 1991 of the First Maintenance Unit of the Surface-to-Surface Missile Force

Documents of May 1991 with inventories of available chemical, biological weapons, missiles and their warheads, launchers and other relevant equipment

Decision documents of April, June and July 1991 to retain proscribed weapons, material and documents

Report on the Governmental investigation of the departure of Lt. General Hussein Kamal and the actions he took to conceal proscribed capabilities and documents

Minutes of meetings of the High-level committee on retention of proscribed weapons and materials

Annex II

Letter dated 18 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

In the letter which I addressed to you yesterday, I indicated my intention to write to you further on the biological weapons area. The serious concerns which have arisen in this area are well known to you. I hope we can now move forward towards solving them as soon as possible.

As you know, in the last 18 months, Iraq's full, final and complete disclosures (FFCDs) in the biological weapons area have been reviewed by four groups of international experts, all of which have concluded unanimously that the FFCDs were incomplete, inadequate and technically flawed and, in their totality, could not be verified. The last of these expert meetings recommended that no further verification assessment of Iraq's current FFCD should be conducted until Iraq committed itself to provide new substantial information.

I ask you to provide us with such new substantial information now. This could commence through the provision of annual and semi-annual activity reports for 1988 through 1991 of the declared facilities involved in the biological weapons programme and indeed for all periods of their involvement in that programme.

I am also inviting you to furnish any other documents, materials or explanations that would enhance the level of verification and to rectify the technical and other inconsistencies in the current FFCD which have been pointed out to your experts on many occasions. In this context, the Government of Iraq may wish to consider whether or not the most expeditious way of proceeding would be for Iraq to provide a substantially revised or new FFCD.

When Iraq's response to this letter is received, whether in the form of a new or substantially revised FFCD, or through the provision of materials, explanations and documents, the Commission's experts will proceed immediately to review and verify what is provided. If necessary, they would furnish me with recommendations on any further steps to be taken, such as: inspections, interviews and search of documents, in order to verify Iraq's disclosure, as soon as possible.

(Signed) Richard BUTLER

Annex III

Letter dated 19 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

Further to my letters to you of 17 and 18 November 1998, this letter addresses the most important outstanding requests made by the Special Commission in recent months for explanations and clarifications on matters relating to Iraq's proscribed weapons programmes in the chemical weapons and missile areas.

As you will recall, pursuant to the Schedule for Work agreed on 14 June 1998, the Commission carried out a number of inspections, including meetings with Iraqi counterparts, to resolve outstanding disarmament issues outlined in the Schedule.

During these inspections, the Commission's teams made requests for explanations and clarifications from the Iraqi side on subjects under discussion. Some questions remained unresolved as the responses provided were not adequate for the Commission's verification purposes.

Due to the decision taken by Iraq on 5 August 1998, the Commission's activities in the disarmament area were halted. The Commission has never received responses from Iraq to its requests.

The Commission would appreciate receiving now, the explanations, clarifications and other responses it has sought from Iraq on the most important outstanding issues listed in the Schedule for Work dated 14 June 1998. For ease of reference, the Commission's requests are outlined in the attached annex. The annex also includes two additional requests originating from the meeting of international experts on the chemical warfare agent VX, held in New York in October 1998.

If this information is provided in full, it should assist the Commission considerably in its determination to resolve outstanding disarmament issues as quickly as possible.

(Signed) Richard BUTLER

Enclosure

1. Clarifications on the disposition of unaccounted for 155-mm shells filled with mustard, including the sites where the shells were disposed of and explanations on the relevant events (referred to in the Schedule for Work of 14 June 1998).

2. Full report on the chemical analysis of the samples from the special missile warhead fragments taken by Iraq in July 1998 (promised by Iraq to the UNSCOM 246 inspection team in July 1998).

3. Requests by the October 1998 meeting of international experts on the chemical warfare agent VX (S/1998/995):

   (a) Technical explanations on the origin and history of the special missile warhead fragments sampled by the Commission and analysed by French, Swiss and United States laboratories, and on the presence of degradation products of nerve agents and VX stabilizer in the samples;

   (b) Additional information on Iraq's efforts to develop and produce VX through improved synthetic routes, during the period from mid-1988 through the beginning of 1991.

4. Explanations, clarifications and data requested by the UNSCOM 252 inspection team (July 1998) related to the accounting of proscribed missile warheads (special and conventional):

   (a) Detailed description of methods and timing of the unilateral destruction of special warheads in the P3 area in Nibae;

   (b) Explanations of decisions and actions undertaken to collect remnants of special warheads for presentation to an UNSCOM inspection team in April 1992;

   (c) Precise identification of pit locations of the special warheads storage in the Tigris canal site and the Fallujah Forest site in a period starting 1 March 1991 until the removal of the warheads from these hide sites to the unilateral destruction locations;

   (d) Explanations of why no remnants from some 50 warheads (both imported and indigenously produced) declared as unilaterally destroyed, were not recovered at the declared sites of their destruction;

   (e) Updated material balance of missile warheads.

5. Request by the UNSCOM 242 inspection team (July-August 1998) related to indigenous production of engines for proscribed missiles:

   (a) Removal for analysis of a number of missile engine components produced indigenously;

(b) Explanation of the timing of importation of complete missile engine turbo pumps and their use in missile/engine tests.

6. A description of the investigation and termination of concealment after 1995.

Annex IV

Letter dated 20 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

I wish to acknowledge receipt of Dr. Riyadh Al-Qaysi's letter of 19 November responding to mine of 18 November, addressed to you, dealing with the biological weapons issue.

I am fully aware of the confidence placed by the Government of Iraq in the comprehensive review which the Security Council intends to conduct subject to Iraq's resumption of full and unconditional cooperation with UNSCOM and the IAEA in accordance with the relevant resolutions of the Security Council and the Memorandum of Understanding signed on 23 February 1998. I too hope that such a comprehensive review might accelerate progress towards the completion of UNSCOM's disarmament tasks.

In order for this to occur, as you know, the Council has decided that Iraq must demonstrate that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA.

It was to facilitate this process that I wrote to you on 18 November. The materials I sought were designed to clear away as many outstanding issues as possible prior to a comprehensive review and, of course, provide an opportunity to Iraq to demonstrate the full cooperation required to enable that review to begin.

In this light, I hope you might find it possible to see that a constructive reply to my letter of 18 November is prepared and forwarded as soon as possible.

Finally, I am forwarding you with this letter a copy of a letter I sent today to the President of the Security Council. I believe it is important for full dialogue between UNSCOM and Iraq to be maintained.

(Signed) Richard BUTLER

Annex V

[Original: Arabic]

Letter dated 19 November 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I have the honour to transmit to you herewith a letter dated 19 November 1998 from Mr. Riyadh Al-Qaysi, Minister of State at the Ministry of Foreign Affairs, in response to your letter dated 18 November 1998.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Enclosure

Letter dated 19 November 1998 from the Minister of State at the Ministry of Foreign Affairs of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

With reference to your letter dated 17 November 1998 addressed to the Deputy Prime Minister, I should like to point out the following.

The prevailing trend of the deliberations of the Security Council and the positions resulting therefrom have been to commence with a comprehensive review shortly after the resumption by the Special Commission of its activities in Iraq.

That prevailing trend also implies that the Commission will submit reports on what has been achieved in the field of disarmament with respect to missiles, chemical weapons and biological weapons up to the last meeting between you and the Deputy Prime Minister on 3 August 1998; in other words, succinct reports summarizing the work done by the Commission from April 1991 to August 1998 (seven years and four months, which is a very long period). It would be for the Security Council to adjudicate on the outstanding issues that had to be followed up.

It seems to me that the approach adopted in your letter runs entirely counter to the trend approved by the Security Council.

However, in the annex to this letter we shall clarify our position on the requests made in your letter. From the clarifications set forth in the annex to my letter it is evident that the requests made in your letter fall into two categories. The first category concerns supposed documents which do not exist, and the second comprises a repetition of earlier requests in respect of which we have already submitted truthful clarifications which are all that is available. It also appears that those requests have no direct connection with the disarmament requirements under section C of resolution 687 (1991) which have been carried out.

As for what you say at the end of your letter about giving the Commission free access to the archives of the Ministry of Defence, the Military Industrialization Corporation (MIC) and other government departments, I should like to point out that the Commission carried out a series of inspections of the two buildings of the Ministry of Defence in March 1998, and that, during the inspections, there was a clear emphasis on documents. Moreover, inspections were made of the Security Organization of MIC in June and December 1997, of the Air Force headquarters in July 1998, and of the Security Departments (the Special Security Apparatus, four times in 1997-1998; Military Intelligence, twice in 1997; the Directorate-General of Security, four times in 1997-1998; and the Iraqi Intelligence Service, eight times in 1997), all of which were intrusive inspections which took many hours and were carried out without hindrance, great emphasis being made during them on documents. The inspection

team found nothing contrary to Iraq's statements. Accordingly, the request you are now making, which is of a general nature, seems to us to be provocative rather than professional.

We hope that the Commission will abandon this unprofessional approach the effect of which has been, and will be, to drag out the work without justification and consequently to perpetuate the inequitable embargo on the people of Iraq.

(Signed) Riyadh AL-QAYSI

Enclosure

Clarifications

1. With regard to the so-called "air force document" our thorough investigations on the origin of the supposed document indicate that it is merely a handwritten paper containing a compilation of figures concerning munitions expended in the years 1983-1988 made by a non-commissioned officer for his own use at that time, specifically for the purpose of monitoring inventories of munitions at various stores.

Activities during that period fall outside the mandate of the Special Commission under resolution 687 (1991). That was also the understanding of the former Executive Chairman (see para. 6(b) of document S/26571, dated 12 October 1993). If the Executive Commission still wishes that document to be handed over for the purposes of any question relating to special munitions, we wish to recall in that connection the provisions of paragraph 5 of the Memorandum of Understanding of 23 February 1998 which requires procedures hitherto established to be followed. One of the established procedures, as you know, is the Joint Programme of Action of 22 June 1996 which contains an undertaking by the parties to work in a transparent manner and to share information. On that basis, Iraq is fully prepared to consider, with an expert team of the Special Commission, the contents of the relevant portions of the paper under consideration in a fully transparent manner in the presence of the Personal Representative of the Secretary-General. We are confident that this mechanism will enable us to resolve this issue and allay the concerns of the Special Commission.

2. With respect to what have been called high-level decision papers, this subject was one of the seven remaining issues identified by the Special Commission early in 1997. The matter was addressed on numerous occasions in 1997 through exchanges of letters which, in our opinion, concluded the issue to the Special Commission's satisfaction. We refer to our letters 2/1/D/142 dated 17 November 1997, 2/1/C/196 dated 5 April 1997, and 2/1/C/234 dated 14 May 1997. Since then the matter has not been raised by any team of the Special Commission or during the periodic high-level meetings. Finally, this question was not referred to among the pending issues during the high-level meeting of June 1998 which identified the remaining issues for future joint work.

3. With regard to the production records for agent VX for 1990, no such records exist. As we have repeatedly explained to the chemical team, the attempt to produce VX in April 1990 was not successful and therefore it did not appear in the annual production report or in the inventory of materials produced during 1990. All the relevant documents on production activity for 1990 and the inventory of materials at the end of 1990 have been handed over to the Special Commission.

4. Concerning the personal diary of the missile force officer, the Iraqi side presented the entire contents of the diary to UNSCOM 133. The Chief Inspector requested that certain pages which contained relevant information should be photocopied. That was done, and the diary was returned to Brigadier Ismail. More than a year later, the Special Commission asked for the diary to be handed

over. Brigadier Ismail was asked about it and it turned out that the diary had been destroyed by him along with some personal papers for which he considered there was no further need; those details were explained to the Special Commission.

5. With regard to the memoirs of Lieutenant-General Hazem Abd al-Razzaq, when he was asked about his recently published memoirs he stated that when he was ordered to destroy the documents relating to the former programme at the end of 1991, he took notes from the documents for use in writing his memoirs and then destroyed them. This was mentioned on page 11 of the introduction to the memoirs.

6. The document concerning the creation of missile brigade 233 was handed over to the Special Commission with the letter from the National Monitoring Directorate dated 11 August 1997. With respect to the arming of the brigade, this is the first time that the Special Commission has asked for such documents in that manner. However, we are ready to submit the documents requested and hope that they will meet the request.

7. Regarding the personal diary of engineer Muqdam, in the light of the request from the team responsible for the indigenous production of engines to verify the level of technical know-how in this field, we asked our specialists to search for any documents on this point in their possession. Engineer Muqdam handed over to us several pages cut out of his personal diary in which he had recorded detailed information relating to the period from November to December 1990 which illustrated the technical problems encountered by the working group with respect to experimental prototypes. Those problems confirmed beyond any doubt that the prototypes did not satisfy the technical requirements at that time and were not up to production standard. Engineer Muqdam stated that he had subsequently destroyed his personal papers.

8. As for the consumption diaries for the propellant, the Iraqi side provided all the documents at its disposal concerning the destruction of propellant in 1991. We made a great effort to search for the diaries, but it appears that they were among the documents that were destroyed.

9. As regards the May 1991 inventory, no such inventory was made and no such document exists.

10. Regarding the destruction orders, Deputy Prime Minister Tariq Aziz explained to the present and to the former Executive Chairman on more than one occasion that it was he that took the decision and communicated it orally to the competent authorities for implementation.

11. No official inquiry was conducted regarding the defection of Hussain Kamal.

12. With respect to the request for the minutes of committee meetings, we point out that this is the first time this has been requested by the Special Commission. However, the International Atomic Energy Agency made such a request in the past and we explained at the time that there was no such committee in the technical sense of the term.

Annex VI

[Original: Arabic]

Letter dated 19 November 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I have the honour to transmit to you herewith a letter dated 19 November 1998 from Mr. Riyadh Al-Qaysi, Minister of State at the Ministry of Foreign Affairs, in response to your letter dated 18 November 1998.

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Enclosure

Letter dated 19 November 1998 from the Minister of State at the Ministry of Foreign Affairs of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I refer to your letter dated 18 November 1998 addressed to the Deputy Prime Minister.

I wish to point out that the request contained in that letter was that the Iraqi side should provide substantial new information on the biological file by furnishing documents, materials or explanations to enhance the verification of the Iraqi declaration in the biological field. The letter suggests that the most expeditious means of resolving the problem, from your point of view, would be for Iraq to submit a statement containing extensive amendments or to submit a new declaration. This request substantially widens the outstanding work to be done in the biological file. It is also at variance with the prevailing trend in the Security Council to carry out a comprehensive review concentrating on the assessment of what has been accomplished in the various files, including the biological file, in the area of disarmament from the beginning of the Special Commission's work in April 1991 up to August 1998.

The conclusions that will be reached in the comprehensive review will determine whether the disarmament phase has been completed, or whether steps in the biological file need to be taken to fulfil the requirements of the disarmament phase.

The timing of this request during the period of preparation for the comprehensive review is a matter for surprise and raises questions with regard to the position of the Special Commission with respect to the comprehensive review and its objectives.

(Signed) Riyadh AL-QAYSI